

REMARKS

Claims 1, 3, 5, and 7-12 are currently pending in the application. No new matter has been added.

Summary

The present invention is designed so that information about purchase candidate commodity, including customized specifications, is stored in the seller server and various information, which includes customized specifications and the latest information about purchase candidate commodity, is displayed on the user terminal. As such, the invention includes:

(1) checking whether the parts of the customized commodity are available for sale at present, then confirming the latest price of these parts and calculating the price of the customized commodity one more time; and

(2) checking whether the latest information about purchase candidate commodity has been updated, and similarly whether the latest information about the parts for the customized commodity has been modified.

The present invention, including the above-mentioned steps, is not obvious to a person of ordinary skill in the art.

Detailed Argument

The commodity selling system of the claimed invention stores information on each purchase candidate commodity selected from among commodities appearing on a web page. A list of purchase candidate commodities presented to a user may include information on each commodity at the time of selection as a purchase candidate commodity, such as: name; number; delivery date; customized specifications; and added options for each selected purchase candidate commodity. A list may also include the latest information on each selected commodity, such as: current inventory information on the purchase candidate commodity, information on changes in delivery date or price, information such as update, or information on other new produces associated with the commodity. (Specification, page 5, line 20 – page 6, line 6) In the commodity selling system of the embodiment shown in Figure 2, a user is able to make a final determination as to which commodity to purchase on the

basis of new information by including the latest information on the purchase candidate commodities on the purchase candidate commodity list. In addition, seller server 10 can display the purchase candidate commodity list on user terminal 30 at any time the user requests such display.

Claims 1, 3, 5, and 7-12 have been rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent Application No. 2002/0029171 to Senior. Applicants respectfully traverse on the basis that Claims 1, 3, 5, and 7-12 are not obvious in view of Senior, because the features which distinguish those claims from Senior are features which are not present in or suggested by Senior, and are features which are directed to problems that are not suggested by the Senior reference.

Claims, 1, 3, 5, and 7 (from which the other claims depend) require a commodity selling system providing a user with, *inter alia*:

[I]nformation related to a plurality of purchase candidate commodities, said information being selected from the group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, and

[O]ther information which includes new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity.

(Claim 1, lines 9-14; *see also* Claim 3, lines 6-12; Claim 5, lines 7-12; and Claim 7, lines 7-12) (emphasis added) The provision of information other than price and quantity is not suggested by Senior.

In rejecting Claims 1, 3, 5, and 7-12, the Examiner admitted that Senior does not disclose the features of Claims 1, 3, 5, and 7-12 discussed in the preceding paragraph:

Senior does disclose selecting an information related to the purchase of commodity but does not explicitly disclose said information is based from [sic] a group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, and other information which includes new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity.

(Office Action at 3) Thus, while recognizing the deficiency of Senior, the Examiner

erroneously concluded that the features not present in the reference are obvious “because it would provide a user ample information as to whether to continue with the purchase based on displayed information about the price and the delivery time slot for a particular commodity.” (Office Action at 3)

It would not have been obvious to one of ordinary skill in the art to modify Senior to arrive at the invention defined by Claims 1, 3, 5, and 7-12, because the features in question do not solve the problems suggested by Senior and therefore do not improve the operation of the reference. Senior is directed to the purchase of commodities (such as gasoline or cellular telephone air time) for which a purchaser does not need information other than price and quantity. Senior does not suggest the possible utility of information other than price and quantity, such as the new information or changes related to a purchase candidate required by Claims 1, 3, 5, and 7 (from which the other claims of the claimed invention depend), as discussed above. By contrast, the claimed invention recognizes that factors other than price or quantity, including but not limited to market trends, may be important to purchasers of some commodities. (Specification, page 2, lines 15-22). Senior does not provide information that would be equivalent to this new information or changes. Because Claims 1, 3, 5, and 7-12 are directed to problems not suggested by Senior, it is erroneous for the Examiner to conclude that the claims are obvious in view of Senior.

Conclusion

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1, 3, 5, and 7-12 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of

fees for the petition or for entry of this amendment to Attorney's Deposit Account
No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', written over a horizontal line.

Michael E. Whitham
Registration No.32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA, 22190
Customer Number 30743
Phone: (703) 787-9400
Fax: (703) 787-7557